

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARMONI MASUD JOHNSON,

Plaintiff,

v.

DEPUTY MIRARCHI, *et al.*,

Defendants.

No. 3:23-CV-00534

(Chief Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**SEPTEMBER 21, 2023**

Armoni Masud Johnson filed this civil rights complaint alleging that several individuals violated his rights with respect to a policy requiring that copies be paid for with “Venda-Cards” rather than cash slips.<sup>1</sup> In July 2023, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court grant Defendants’ motion to dismiss the complaint.<sup>2</sup> Magistrate Judge Carlson reached this recommendation after determining that Johnson failed to exhaust his administrative remedies and, in any event, failed to adequately state a claim for relief as to any cause of action.<sup>3</sup> After receiving an extension of time, Johnson filed timely objections to the Report and Recommendation.<sup>4</sup>

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 20.

<sup>3</sup> *Id.*

<sup>4</sup> *See* Docs. 22, 25-27.

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”<sup>5</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.<sup>6</sup> After reviewing the record, the Court finds no error in Magistrate Judge Carlson’s recommendation that Johnson has failed to exhaust his administrative remedies and that, therefore, Johnson’s complaint must be dismissed. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 20) is **ADOPTED**;
2. Defendants’ motion to dismiss (Doc. 3) is **GRANTED**;
3. Johnson’s complaint (Doc. 1) is **DISMISSED** without prejudice to his right to refile his complaint after he exhausts his administrative remedies;
4. Johnson’s request for sanctions (Doc. 23) is **DENIED**; and
5. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

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<sup>5</sup> *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>6</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.